



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,912	10/21/2003	Makoto Mochizuki	1614.1369	3772

21171 7590 06/05/2006

STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER
----------

HARPER, LEON JONATHAN

ART UNIT	PAPER NUMBER
----------	--------------

2166

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/688,912	<b>Applicant(s)</b> MOCHIZUKI, MAKOTO	
	<b>Examiner</b> Leon J. Harper	<b>Art Unit</b> 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/30/2006</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This office action is in response to application 10688912 filed on 10/21/2003.

Claims 1-16 are pending in the office action.

#### ***Specification***

The disclosure is objected to because of the following informalities: Page 13 line 4 reads "for example , to urge the use to change the parameters and re-read the first feature information." Examiner believes this line was meant to be "for example, to urge the user to change the parameters and re-read the first feature information." Appropriate correction is required.

#### ***Claim Objections***

Claims 5,13 are objected to because of the following informalities: Lines 3-4 of claim 5 recites "the second feature information are the sake kind of feature information". Examiner believes that this line was meant to be "the second feature information are the same kind of feature information. Examiner's assertion is based upon claim 8, which is a substantial duplicate of claims 5 and 13. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6182076 (hereinafter Yu) in view of US 20030061233 (hereinafter Man).

As for claim 1 Yu discloses: an acquiring section to acquire first feature information (See column 5 line 66 – column 6 line 3);; and a registering section to register the first feature information in the database together with accessory information related to said feature information (See column 9 lines 55-60 note: getting data is part of the enrollment process).

While Yu does not differ substantially from the claimed invention the disclosure of an extracting section to extract, from a database which registers feature information in

Art Unit: 2166

correspondence each user, a user corresponding to feature information having a degree of matching exceeding a predetermined value with respect to the first feature information is not necessarily explicit. Man however does disclose an extracting section to extract, from a database which registers feature information in correspondence each user, a user corresponding to feature information having a degree of matching exceeding a predetermined value with respect to the first feature information (See paragraph 0029). It would have been obvious to an artisan of ordinary skill in the pertinent art to have incorporated the teachings of Man into the system of Yu. The modification would have been obvious because biometric samples are compared to large sets of data and users and this is method to perform the comparisons efficiently and quickly (See Man paragraph 0006).

As for claim 2, the rejection of claim 1 is incorporated, and further Man discloses: a control section to output a message urging changing of parameters indicating feature information reading conditions and re-reading of the first feature information (See paragraph 0056 note: additional processing) if a number of the feature information having the degree of matching exceeding the predetermined value exceeds a specific value, so as to acquire the re-read first feature information by said acquiring section (See paragraph 0057).

As for claim 3, the rejection of claim 1 is incorporated, and further Yu discloses: a control section to urge the user to read second feature information and acquire the read

Art Unit: 2166

second feature information by said acquiring section (See column 6 lines 15-20 noting the use of multiple feature information). While Man discloses: if a number of the feature information having the degree of matching exceeding the predetermined value exceeds a specific value (See paragraph 0033).

As for claim 4 the rejection of claim 3 is incorporated, and further Yu discloses: wherein said registering section registers the second feature information (See column 6 lines 45-50 note: there are multiple biometric parameters).

As for claim 5, the rejection of claim 3 is incorporated, and further Yu discloses: wherein the first feature information and the second feature information are the same kind of feature information or mutually different kinds of feature information (See column 6 lines 9-14).

As for claim 6 Yu discloses: an acquiring section to acquire personal identification information and feature information of a user (See column 4 lines 11-15 and column 5 line 66 – column 6 line 3); a obtaining section to read, from a database having registered feature information in correspondence with at least personal identification information, registered feature information and accessory information respectively corresponding to the acquired personal identification information (See column 9 lines 55-62), and to obtain a degree of matching of the acquired feature information and the registered feature information read from the database; and a

confirming section to confirm the user identified by the acquired personal identification information. (See column 10 lines 10-15)

While Yu does not differ substantially from the claimed invention the disclosure of if a degree of matching of the registered feature information read from the database and each registered feature information corresponding to personal identification information indicated by the accessory information read from the database is smaller than the degree of matching obtained by said obtaining section is not necessarily explicit. Man however does disclose if a degree of matching of the registered feature information read from the database and each registered feature information corresponding to personal identification information indicated by the accessory information read from the database is smaller than the degree of matching obtained by said obtaining section (See paragraph 0029). It would have been obvious to an artisan of ordinary skill in the pertinent art to have incorporated the teachings of Man into the system of Yu. The modification would have been obvious because biometric samples are compared to large sets of data and users and this is method to perform the comparisons efficiently and quickly (See Man paragraph 0006).

As for claim 7 Yu discloses: an acquiring section to acquire first and second feature information of a user (See column 5 line 66 – column 6 line 3);, specific accessory information corresponding to the first registered feature information having a degree of matching which is a maximum value with respect to the acquired first feature

Art Unit: 2166

information (See column 9 lines 55-65); and a confirming section to confirm the user if a degree of matching of the acquired second feature information and the second registered feature information registered in the database in correspondence with the first registered feature information having the degree of matching which is the maximum value is greater than a degree of matching of the acquired second feature information and the second registered feature information corresponding to the specific accessory information (See column 10 lines 10-20)

While Yu does not differ substantially from the claimed invention the disclosure of an extracting section to extract, from a database which registers first and second registered feature information together with accessory information related to predetermined users for which a degree of matching of the first registered feature information exceeds a predetermined value is not necessarily explicit. Man however, does disclose: an extracting section to extract, from a database which registers first and second registered feature information together with accessory information related to predetermined users for which a degree of matching of the first registered feature information exceeds a predetermined value (See paragraph 0029). It would have been obvious to an artisan of ordinary skill in the pertinent art to have incorporated the teachings of Man into the system of Yu. The modification would have been obvious because biometric samples are compared to large sets of data and users and this is method to perform the comparisons efficiently and quickly (See Man paragraph 0006).



As for claim 8, the rejection of claim 7 is incorporated, and further Yu discloses: wherein the first feature information and the second feature information are the same kind of feature information or mutually different kinds of feature information (See column 6 lines 9-14).

Claims 9-13 are computer readable storage medium claims corresponding to apparatus claims 1-5 respectively, and are thus rejected for the same reasons as set forth in the rejections of claims 1-5.

As for claim 14 Yu discloses: an acquiring procedure causing the computer to acquire personal identification information and feature information of a user (See column 9 lines 55-60); and a confirming procedure causing the computer to confirm the user identified by the acquired personal identification information if a degree of matching of the registered feature information reads from the corresponding to personal identification information indicated by the accessory information read from the database is smaller than the degree of matching obtained by said obtaining section (See column 10 lines 10-15).

While yu does not differ substantially from the claimed invention the disclosure of a obtaining procedure causing the computer to read from a database having registered feature information in correspondence with at least personal identification information,

Art Unit: 2166

registered feature information and accessory information respectively corresponding to the acquired personal identification information, and to obtain a degree of matching of the acquired feature information and the registered feature information read from the database is not necessarily explicit. Man however does disclose a obtaining procedure causing the computer to read from a database having registered feature information in correspondence with at least personal identification information, registered feature information and accessory information respectively corresponding to the acquired personal identification information, and to obtain a degree of matching of the acquired feature information and the registered feature information read from the database (See paragraph 0029). It would have been obvious to an artisan of ordinary skill in the pertinent art to have incorporated the teachings of Man into the system of Yu. The modification would have been obvious because biometric samples are compared to large sets of data and users and this is method to perform the comparisons efficiently and quickly (See Man paragraph 0006).

As for claim 15 Yu discloses: an acquiring procedure causing the computer to acquire first and second feature information of a user (See column 9 lines 55-60).

and a confirming procedure causing the computer to confirm the user if a degree of matching of the acquired second feature information and the second registered feature information registered in the database in correspondence with the first registered feature information having the degree of matching which is the maximum

Art Unit: 2166

value is greater than a degree of matching of the acquired second feature information and the second registered feature information corresponding to the specific accessory information (See column 11 lines 10-20). While Yu does not differ substantially from the claimed invention the disclosure of an extracting procedure causing the computer to extract, from a database which registers first and second registered feature information together with accessory information related to predetermined users for which a degree of matching of the first registered feature information exceeds a predetermined value, specific accessory information corresponding to the first registered feature information having a degree of matching which is a maximum value with respect to the acquired first feature information is not necessarily explicit. Man however does disclose: an extracting procedure causing the computer to extract, from a database which registers first and second registered feature information together with accessory information related to predetermined users for which a degree of matching of the first registered feature information exceeds a predetermined value, specific accessory information corresponding to the first registered feature information having a degree of matching which is a maximum value with respect to the acquired first feature information (See paragraph 0033)

As for claim 16, the rejection of claim 15 is incorporated, and further Yu discloses: wherein the first feature information and the second feature information are the same kind of feature information or mutually different kinds of feature information (See column 6 lines 9-14).

***Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leon J. Harper whose telephone number is 571-272-0759. The examiner can normally be reached on 7:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LJH  
Leon J. Harper  
May 30, 2006

  
HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER